

Applic. No. 10/765,586
Amdt. dated April 23, 2007
Reply to Office action of February 21, 2007

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Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-10 remain in the application. Claims 1 and 10 have been amended.

In item 1 on page 2 of the above-identified Office action, claim 10 has been objected to because of the following informalities.

The Examiner stated that in claim 10 "and actuating motor" should be "an actuating motor". Claim 10 has been amended as suggested by the Examiner. Therefore, the objection to claim 10 by the Examiner has been overcome.

Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for overcoming the prior art nor for any reason related to the statutory requirements for a patent.

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In item 2 on page 2 of the Office action, claims 1-3 have been rejected as being fully anticipated by Wiese (DE 100 40 070 A1) under 35 U.S.C. § 102.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found on page 3, lines 6-17 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

a switch-on torque limiter being a pretensioned spring element connected in the drive train, the switch-on torque limiter configured to activate upon a switching of the clutch into the drive train.

The Wiese reference discloses a "switch-on torque limiter" that is constructed as a torsionally flexible coupling or clutch (21). The torsionally flexible clutch does not have a pretensioned spring element and is therefore torsionally flexible when in operation. This leads to unwanted

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vibrations/oscillations. Wiese discloses that in order to eliminate the vibrations/oscillations, a second clutch (23) is used to provide the necessary torsional stiffness in the clutch system.

The reference does not show a switch-on torque limiter being a pretensioned spring element connected in the drive train, the switch-on torque limiter configured to activate upon a switching of the clutch into the drive train, as recited in claim 1 of the instant application. The Wiese reference discloses a torsionally flexible clutch that does not have a pretensioned spring element. Wiese does not disclose that a switch-on torque limiter is a pretensioned spring element. This is contrary to the invention of the instant application as claimed, in which a switch-on torque limiter is a pretensioned spring element connected in the drive train, the switch-on torque limiter is configured to activate upon a switching of the clutch into the drive train.

Since claim 1 is believed to be allowable over Wiese, dependent claims 2 and 3 are believed to be allowable over Wiese as well.

It is appreciatively noted from item 4 on page 3 of the Office action that claims 4-9 would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims. The claims have not been amended as indicated by the Examiner, as the claims are believed to be patentable in their existing form.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-3 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

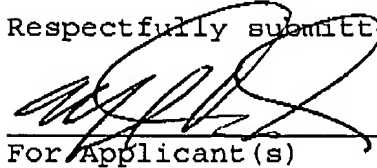
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Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,



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For Applicant(s)

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